The Reform Committee, 1919.

(DIVISION OF FUNCTIONS)

MEMORANDUM

BY

THE HON'BLE MR. M. RAMACHANDRA RAO.

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The points that arise for consideration as set out in the terms of reference to the Committee are :—

(1) With a view to giving the Provinces the largest measure of independence, legislative, administrative and financial of the Government of India, what functions should be discharged by the Provincial Governments ?

(2) What powers of control should be retained by the Government of India in relation to Provincial subjects in order to secure the discharge of their own responsibilities and in what manner these powers should be exercised ?

(3) Which of the functions to be discharged by the Provincial Governments should be transferred immediately to the charge of Ministers ?

(4) What powers should the Governor-in-Council exercise in relation to the transferred subjects and on what grounds and in what manner ?

After discussing the general principles of devolution to the Provincial Governments (paras 213, 239 and 240 of the Report) the authors of the scheme have also suggested, in two illustrative lists, the subjects which, in their opinion, may be asigned to the Provincial Governments and those which are suitable for the control of the ministers.

INDEPENDENCE OF THE PROVINCES

2. The first question relates to the position of the Provincial administrations in relation to the Government of India. I am generally satisfied with the list of Provincial subjects included in the list No. 1 appended to the Report and with the legislative and administrative devolution to the Provinces indicated in paras 212 and 213 of the Report and with the reservations made therein and in the lists. I also generally agree with the limitations suggested within which the Provinces can be permitted to impose taxation and to borrow in the open market. In regard to the former it has been proposed to schedule certain subjects of taxation as reserved for the Provinces and to retain the residuary powers in the hands of the Government of India. The preparation of this schedule is proposed to

be undertaken in consultation with the Local Governments and I suggest that, when it is ready, it may be made available for public criticism. Nothing useful can, therefore, be said on the subject for the present. Land Revenue and excise are to be wholly Provincial hereafter and I take it, therefore, that in these two matters the Provinces will be free to fix the incidence of taxation as they please without the intervention of the Government of India.

THE CONTROL OF RAILWAYS

3. In addition to the subjects mentioned in illustrative list No. I would strongly advocate that the Local Government should have some amount of control over the Railway administrations in this Province. The subject was discussed more than once in the Legislative Council and attention is invited to the proceedings of the Council of 6th April 1916. It has been felt that the Railway administrations are not at present amenable to the Provincial Governments in any matter effecting the convenience of the travelling public and in the rectification of the numerous complaints in regard to passenger traffic and goods traffic and, generally in regard to matters which promote public convenience and safety. Many matters connected with the overcrowding of trains, the situation of platforms and waiting rooms, and refreshment rooms for passengers, of level crossings and various other questions in which the Local Government with their local knowledge and influence would be in a position to exercise a healthy control over Railway administrations, have been frequently brought up in the Legislative Council but the Local Government was powerless in the matter. Then again in the matter of the construction of the District Board Railways in the Province local bodies have to negotiate terms with the Railway administrations and the Local Government has at present neither the power nor the influence with the Railway administrations to intervene on their behalf. The Local Government should have its legitimate share of control and influence in Railway matters so that the centralisation of Railway administration in the Railway Board might be reduced to the same extent. I would, therefore, suggest that without materially affecting the position of the Government of India, a suitable devolution of powers to Provincial Governments over Railway administrations should be made in regard to matters relating to the comfort and convenience of the travelling public. The terms of the resolution proposed by me and accepted by the Government in April 1916 were :—

"This Council recommends to the Governor-in-Council that a representation should be made to the Government of India that the powers of the Local Government should be enlarged in regard to the control, the administration and construction of railways in this Presidency, more especially

'(*a*) by the reconstruction of the Railway Secretariat of the Government or by providing the Government in some other manner with an expert adviser in railway matters;

'(*b*) by empowering the Local Government to deal with all complaints from the travelling public against the Railway administrations in this province and to issue such instructions to them as the Government may think it necessary to remove such complaints and generally to exercise the same control in railway matters as before the abolition of the Railway Secretariat; and

'(*c*) by giving a free hand to the Local Government in the development and construction of District Board Railways.'"

The Local Governmet were in complete accord with the Council in this respect and it was explained in the Council in October last that the matter is being sympathetically considered by the Government of India.

Posts and Telegraphs

4. In the two departments of posts and telegraphs also the position of Local Governments is unsatisfactory. These two departments serve the general public of this Presidency, who if they have any complaint to make against the working of the departments have now to go to the Director General of Posts and Telegraphs at Delhi. The Post Master-General has practically nothing to do with the Local Government and, without materially infringing on the general power of control of the Government of India, the Local Government is in a better position to decide matters relating to the location of posts and telegraph offices and to investigate complaints relating to them.

Emigration Questions

5. A third matter of importance to this Presidency is the subject of emigration and immigration. The Government of this Province should be in a position to regulate the emigration and the conditions of labour, in confirmity with the agricultural conditions of this Province. Several questions relating to the emigration of agricultural labour to Ceylon came up frequently for discussion and it has been often urged that the Government should

prohibit emigration to Ceylon but the Local Government are now unable to do so. In regard to the emigration of labour from the districts of this Presidency and especially for the sparsely populated portions of the agency tracts, there was considerable agitation that the Local Government should take steps to keep the agricultural labour of this Province within its borders. The Local Government was unable to do so for several years. I suggest that normally in matters of inter-provincial emigration and immigration, each Province should be free, as far as possible, to act in the interests of its own industries and agriculture and that the control of the Government of India should be reduced to a minimum. The Local Government may, within certain limits, be permitted to legislate in the matter and that at any rate the administration of the Acts should be entirely a provincial subject. This does not apply, of course to emigration outside India which must only be dealt with by the Government of India.

POWERS OF THE GOVERNMENT OF INDIA

6. I now come to the second point mentioned in the terms of reference. It is the aim of the authors of the Report to give to the provinces the largest measure of independence legislative, administrative and financial. In carrying out this policy of devolution, they state that in regard to subjects which may be transferred to the control of Ministers the Secretary of State should be empowered to divest himself of his present powers to control the administration of the subjects which it is decided to transfer. The powers of the India Office would then be merely to call for information from the Government of India and the Provincial Governments in regard to transferred subjects. In regard to the reserved subjects the position is not quite clear. In para 292 of the Report the authors state " While these cannot be any abandonment of Parliament of ultimate powers of control they propose a delegation of financial and administrative authority as will leave the Government of India free and enable them to leave the Provincial Governments free with the expedition that is desirable." They, therefore, suggest an examination of the financial Codes and also a clear demarcation of the important and unimportant matters in the administration of the country which require the previous sanction of the Secretary of State. They finally state that the Secretary of State should be empowered "to divest himself of control in some specified matters even although they continue to be the concern of the official Governments and to empower the Government of India to do likewise in relation to Provincial Governments." From these

statements it is clear that the authors of the Report contemplate an increase of the powers of Local Governments in provincial subjects which come within the category of "Reserved subjects." I am of opinion that this devolution in regard to the reserved subjects will make the official governments more autocratic than at present and they will become supreme in some matters without any check either from the Legislative Council or from a higher official authority like the Government of India or the Secretary of State. I may illustrate the position by a reference to the illustrative list No. I. It is suggested under the head of Law and Order that the legislation regarding Acts relating to incitements to crime, seditious meetings, the Press and the Arms Act, should remain with the Government of India but that the administration of these enactments should be provincial. The administration of these Acts would be a reserved subject and the Governor-in-Council would be the final authority in all matters pertaining to the administration of these enactments. It is not desirable that the Government of India should divest itself of its present power of revising the decisions of the Local Government in these important matters as there will be no means to aggrieved parties of obtaining a reconsideration of their case if the Local Government decides wrongly. The administration of the Press law by Local Governments has given rise to grave fears in recent years and the arbitrary action of some of the Local Governments in regard to the exclusion of newspapers from their Provinces and of particular individuals may also be mentioned in this connection. I am, therefore, of opinion that Government of India should not divest itself of its present powers of control in regard to matters relating to the liberty of the subject as it would make the Local Government more autocratic than at present. The creation of new appointments in the reserved departments and all large schemes of expenditure in those departments must be generally subject to the existing control till such time as the reserved subjects can be brought under the control of the ministers responsible to the Legislative Council. The authors of the Report state in para 213 that "they recognise that so far as the Provincial Governments of the future will still remain partly bureaucratic in character there can be no logical reason for relaxing the control of superior official authority over them nor indeed would any general relaxation be approved by Indian opinion; and that in this respect the utmost that can be justified is such modification of present methods of control as aims

at getting rid of interference in minor matters, which might very well be left to the decision of the authority which is most closely acquainted with the facts." I am in entire agreement with these views.

The Transferred Subjects

7. The third point raises the most important question as to what subjects can be immediately placed under the control of the Ministers in the Provinces. The whole subject was discussed in the Legislative Council in October last and I adhere to the resolutions adopted in the Council on the subject and to the views expressed at the time. My remarks on this part of the subject are supplementary to what had been stated in the Council. The authors of the Report have laid down the guiding principle to be "to include in the transferred list those departments which afford most opportunity for local knowledge and social service, those in which Indians have shown themselves to be keenly interested, those in which mistakes which occur stand most in need of development." They also state that in pursuance of this principle "they would not expect to find the departments primarily concerned with the maintenance of law and order were transferred." I do not wish to challenge this fundamental assumption in regard to the division of functions mainly to facilitate the introduction of the reforms without any avoidable controversy. This view has found acceptance throughout the country and also in the discussion of the whole question in the Legislative Council. The resolutions adopted in the Council do not, therefore, suggest the transfer of any subject falling within the category of peace and order and the administration of justice. It may however be pointed out that the whole group of subjects falling under this category has been in the hands of Indian administrators in the Native States.

Civil and Criminal Justice

8. Without calling into question the fundamental basis of the scheme of devolution, I desire to press that the administration of justice should be a transferred subject. This department comes within the formula of the authors of the Report that the departments proposed for transfer should be those in which Indians have specially distinguished themselves. The bulk of judicial work, both civil and criminal in this Presidency, is done by Indian judges and magistrates. Attention is invited to the evidence given by the witnesses in this Province before the Royal Commission on the Public Services, including the Chief Justice and Sir Ralph Benson who referred to the great

quantity and the high quality of the work turned out by the Indian judiciary. All the District Munsiffs, the subordinate judges, 4 of the 24 district and sessions judges and 5 out of the 12 judges of the High Court are Indians.

THE JUDICIARY

9. It is unnecessary to refer to the high terms in which the work of all classes of the Indian judiciary has been spoken of by many eminent authorities in the past. This is one of the departments in which Indians have achieved special distinction and I would strongly press that this subject may be transferred to the control of Ministers. The High Court is in immediate charge of all judicial matters and I see no prospect of any grave danger to public peace and order if the administration of justice is placed on the transferred list.

LAND REVENUE AND TENANT RIGHTS

10. The authors of the Report also express the opinion that they do not expect the transfer of matters "which vitally affect the well being of the masses who may not be adequately represented in the new Councils such for example questions of land revenue and tenant rights." I venture to differ for this view. In the first place I fully believe that even in the Councils as they are constituted the questions most often discussed are the group of subjects relating to land revenue settlements, remissions and penal assessments, forests and the general economic condition of the ryot, the improvement of cattle, the opening of agricultural farms, matters relating to agricultural education and elementary education, and repair of tanks and other irrigation works, the distribution of water in the delta systems and the extension of irrigation, and various other matters relating to the welfare of the agriculturists of this Presidency. Attention is invited to the summary of the work of the Madras Legislative Council from 1909 to 1918 printed as appendix I. It will be seen from the above that the topics most insistently pressed in the Council on the Government are those intended to promote the well being of the ryot. Not a single meeting of the Council has been held without discussing some questions relating to the welfare of the ryot. In para 138 of the Report, the authors indicate the class of questions which are essentially those which interest the ryot. "The ryot and hundreds of thousands of his kind may be lifted from penury to comfort by a canal project costing millions of pounds. One of his constant needs is protection against the exaction of petty official oppressors.

Improvements in seed or stock, manure, ploughs, wells; the building of a new road or a new railway; facilities for grazing his cattle or getting wood for his implements; the protection of his crop from wild animals, his cattle from disease and his brass vessels from burglars; co-operative banks to lend him money and co-operative societies to develop his market; the provisions of schools and dispensaries within reasonable distance, these are the things that make all the difference to his life." As may be seen from the summary, it is these questions that have frequently formed the subject of discussion in the Legislative Council.

Apart from this aspect of the question, I believe that under a system of direct franchise, and the qualifications proposed in my memorandum on franchise, the district electorates must consist almost wholly agricultural classes or of those intimately acquainted with them.

I cannot, therefore, accept the hypothesis that the educated classes are not in a position to judge of what is required for the well being of the ryots in this Presidency and that the interests of the latter are not now protected in the Legislative Councils. I believe that the group of subjects relating to Land Revenue comes within the formula of the authors of the Report.

11. I also venture to refer to what I said on this subject in the Legislative Council during the discussion of the Reserved and the Transferred subjects in October last. "The whole of the land revenue system is based upon administrative systems which prevailed in this country before the advent of the British. In fact, the whole theory of settlements has been inherited from previous Governments and I submit even before the advent of the British there was a Government in this country, and there was collection of land revenue. And what is the state of things in the Indian States now; Is it contended that in Mysore where there is an Indian Minister in charge of the administration land revenue is not properly administered? Whether it is a popular Minister or whether it is a Member of the Executive Council appointed by the Governor, it cannot be contended that there is any serious danger of disorganization which would endanger peace, order or good government. I submit that the day-to-day administration on which the welfare of the masses is dependent is the revenue administration. The disposal of lands, the economic condition of the people, the way in which remissions are granted, the way in which lands are disposed of, the way in which land revenue collections are made, the question of land improvement loans, penal assessments and agricultural loans—these

are all subjects in which I submit for the last nine years—the representatives of the people have done their level best to persuade the Government to pursue a different policy. Under these circumstances, it seems to me futile on the part of anybody to contend that an Indian Minister would not be able to manage this department. After all we have the Board of Revenue and other subsidiary organizations in direct charge of the administration. I submit that this is a case which comes within the governing clauses of paragraph 238 of the Report." It may be suggested that the sources of taxation may be unjustifiably foregone by the Minister acting under the pressure of the Legislative Council. There is no reason for any fears in this direction but it is not difficult to devise suitable reservations, if necessary, in this matter. In this Province Land Revenue and Excise are the two principal sources of Revenue. The average annual growth is estimated at 20 lacs of which 15 lacs per annum is accounted for under Excise which is on the transferred list.

IRRIGATION

12. The cognate subject of irrigation must also be mentioned in this connection. Land Revenue and Irrigation are so connected together that if the former is transferred to the control of Ministers it is also desirable that the latter should be similarly dealt with. Under the proposals put forward in the illustrative lists, minor irrigation, roads and buildings, tramways, light and feeder railways, drainage and embankments are placed in the transferred list but major irrigation is to be a reserved subject. The control of minor irrigation is in the hands of the Revenue Department in this Province and the Public Works Department is in charge of the major tanks and the river systems. Under the proposals of the Reorganization Committee roads and buildings and minor irrigation are to be transferred to local bodies in this Presidency which under the proposals will be in charge of the Minister. Under these circumstances, it may be better to place the Public Works under a single authority.

EDUCATION

13. I am also of opinion that the whole subject of education Elementary, Secondary and University education, Industrial and Technical education, in fact all branches of education should come under a single authority. We shall have enough of difficulties in the working of a scheme based on a division of functions between the Ministers and the Provincial Government

and matters should not be further complicated by dividing the same department between the two sets of authorities. That would be the case if University education is reserved to the Governor-in-Council and if Primary, Secondary and Technical education are placed under the Minister as suggested in the lists. As has already been pointed out the same in the case with Public Works. There are also other departments similarly proposed to be divided. The subject of education fully illustrates the difficulty of the position. The organic connection between one department of education and another cannot be forgotten. Elementary and Secondary education are connected with each other and the curricula and the courses of study of Secondary education in this Presidency are so inter-related with University education that it is extremely inexpedient to set up two different authorities in educational matters. As regards University education I do not see what harm can result if it is placed in charge of a Minister. Under the Universities Act the direct administration of all University matters is committed to the Senate and the Government have a certain measure of control in the initiation of policy, in the nomination of the members of the Senate, and generally in approving University bye-laws. Some power of interference with the resolutions of the Senate is also reserved to the Government. I do not see why these functions should not be performed by the Minister.

Borrowing on the Sole Credit of the Government

14. The last point I should like to refer to is the subject of borrowing on the sole credit of the Provincial Government. This has been placed on the list of subjects to be reserved for the Governor-in-Council. I consider that this subject should not be a reserved subject and perhaps this will fall within the category of subjects which must be dealt with by the collective Government, without being either reserved for the Governor-in-Council or transferred to the Minister. I will not recapitulate the difficulties but invite the attention of the Committee to the statement of the case when the subject came under discussion in the Legislative Council.

I do not propose to deal with the other topics dealt with in the Legislative Council at length but would invite the attention of the Committee to the proceedings.

The Control of the Services

15. The fourth point mentioned in the terms of reference raises the delicate question of the control of the Governor-in-Council in relation to the transferred subjects. I am emphatically of opinion that the safeguards suggested in the Report materially affect the position of the Ministers. It may be fully illustrated by a reference to the proposals about the control of the services employed in the transferred branches. Whatever may be the subjects that may be transferred to the control of Ministers, I am of opinion that they must have a free hand in the selection, appointment and control of the officers employed in the departments under their charge. Besides the Indian Civil Service there are the Imperial Services like the Indian Forest services, the Public Works Services, Indian Medical Services, the Indian Police Service, the Veterinary Services and the Agricultural Services which are all employed in the Provinces. Their constitution and recruitment will be outside the sphere of Provincial administrations. It is also suggested in the illustrative list No. I "that the appointment, condition of services and control of all Provincial Services may be transferred to the Provincial Governments" should be a reserved subject. No reasons are assigned for this arrangement, but if this proposal is accepted by the Committee the Ministers will have nothing to do with the appointment conditions of service and control of the Provincial Services and all questions relating to the services would be reserved for the Governor and the Executive Council. What, then, is the position of the Minister in regard to the branches of administration committed to their charge? Under the scheme suggested in the Illustrative lists the Governor and the Executive Council will be the sole authority to decide all questions relating to the initial recruitment, conditions of pay and control of the Provincial Services, and the Ministers will have no voice in these important matters. In the departments which will hereafter be under the control of the Ministers, there must be employed officers of both the Imperial and Provincial Services. The exact relation of the Ministers to the services employed under them has not been set out, and this is the one important detail which is likely to wreck the whole scheme in practical working. The authors of the scheme condemn the idea of the establishment of two different Executives on the ground that it must lead to "hopeless friction." Even under their scheme friction will be more inevitable unless the Indian Ministers completely efface themselves and surrender

the control of the services employed in departments under their charge to the Governor and the Executive Council. The proposal for two Executives was actuated by the feeling that the Ministers who are in charge of the departments must choose their own instruments, but under the suggested proposals the Minister will have to go to the Governor and the Executive Council, who will have the sole right of appointment and removal of all officers of the Provincial service employed by Ministers. The Report further states "that administration is a living business and we must even in the case of matters ordinarily made over to non-official control secure the right of re-entry either to the Executive Government of the Provinces or to Government of India in case where their interests are involved. The Government of India will have the power to intervene 'in matters concerning the interests of the All-India Service and the Governor and the Executive Council' will have the power to intervene with full effect in matters pertaining to the existing Provincial Services." What is the modicum of authority left to the Ministers in regard to the services employed by them? The powers of intervention left to the Governor and the Executive Council in this matter, and the Governor-General in regard to the All-India services, will enable them if they are so minded, to drive a coach and pair through the departments under the control of the Ministers. The authors of the scheme have been so fully impressed to devise a scheme which will secure the official Governments the means and the instruments of discharging their responsibility to Parliament and on similar grounds the Ministers must be fully protected against interference from the Governor-in-Council. I, therefore, think that in regard to the transferred departments the Minister must be the sole authority for the employment of all officers, and their recruitment.

Control of Legislation

16. I have so far referred to the administrative control of the transferred services. The two other directions in which control in regard to the transferred subjects may be exercised by the Governor-in-Council is in relation to legislation and the supply for the transferred subjects. The first point is discussed in para 254 of the Report. It is the general aim of the authors of the Report that the Legislative Council and the Ministers should have a free hand in initiating the necessary legislation in regard to the transferred subjects. A Bill on a transferred subject may trench on the reserved field of legislation and the provisions suggested to meet such a contingency appear

to me to be very complicated. I assume that while the advice and experience of the Governor in the Executive Council will be available to the Ministers, the final decision in regard to the policy and the provisions of any legislative measure relating to the transferred subjects would rest with the Ministers. I also presume that the consent of the Government as a whole will not be a pre-requisite to the introduction of any measure relating to the transferred subjects and that, except on the ground that any measure impinges on the reserved field, the Governor in the Executive Council will not be in a position to block up any measure of legislation necessary for the departments under the control of the Ministers. In cases where the measure is challenged on the specific ground that it trenches on the reserved field, the procedure indicated in para 254 is, in my opinion, unsuitable. It would not be edifying for a member of the Executive Council responsible for one part of the Government to object in the Legislative Council on the first reading of a bill to the introduction on a measure by a Minister in charge of the other part of the Government. The better plan is to submit the matter to the decision of the Governor before introduction and during the period of transition, to permit the Minister if necessary, to ascertain the views of the Legislative Council by a resolution to be moved on the subject before the introduction of the measure and before the Governor comes to a decision.

Budget Provisions

17. I now refer to the financial provisions relating to the transferred subjects.

The authors of the scheme frankly admit that their plan of Provincial Executives involves "some weakening of the unity of the Executive and some departure from constitutional orthodoxy." They point out that it would be impossible to atain this object "by a composite Government so composed that all its members should be equally responsible for all subjects. At the same time, it is necessary to secure that the whole Executive should be capable of acting together. What we can do is to aim at minimising causes of friction; and we have proposed arrangements that can be worked by mutual forbearance and a strong common purpose." With these admirable sentiments in view, it is surprising that they should have deliberately put forward their proposals embodied in the scheme in regard to the Provincial Budgets and balances. For

there is no doubt that if any set of proposals are likely to cause more friction and contention it is these proposals relating to the budget. The contribution to the Government of India which, it may incidentally be remarked, is the heaviest from Madras is a first charge on Provincial revenues, and after this is satisfied the Governor in Executive Council can appropriate as much as he considers necessary for the current and expanding expenditure in the reserved departments. The balance will then go towards the maintenance of the transferred departments. If there is a deficit, the Ministers will have to bring in proposals for additional taxation. These proposals constitute an altogether one-sided arrangement, and no better scheme could have been devised to effectually prevent the growth of necessary expenditure in the transferred departments. "Finance is the vehicle of Government and unless the Executive can raise money for its needs and lay it out as it pleases, it cannot continue to be responsible for the administration." The Ministers who may not be responsible for a deficit are to find the money and incur the odium of popular disapprobation, while the members of the Executive Council will be entirely free to stand up for increased expenditure in their departments. The working of the Budget for two sets of departments under these unequal terms will furnish from the very outset a very acute cause of trouble which will grow with each year, and if the success of the working of the transferred departments were to be assured a more stable scheme of finance must be devised. There is no reason why priority should be given to the Governor-in-Council even for new expenditure on the reserved subjects. The present proposals come to this that if Governor-in-Council frames a Budget for the Police or Survey charges were the new expenditure for the year is 25 lakhs, it will take precedence automatically over the expenditure on the transferred departments. It can no doubt be objected to in the Council at the time of the passing of the Budget, but the Governor will have the right to restore it in the interest of peace, order, and good government. "Peace, order and good government" are like "Justice, equity and good conscience" very captivating words. They can be interpreted so widely as to practically guarantee any item of expenditure on reserved subjects getting through, though it may not be relatively necessary as expenditure on the transferred departments. In the existing Councils, criticism on the expenditure in the Police, and Revenue Settlements and Surveys, has met with very little success and even under the proposed scheme the same state of things would prevail.

The Ministers may also be told that the Government of India have directed the increase of pay in that or this department and the Provincial Government has no other alternative but budget for the same.

It seems to me that the more satisfactory course is to proceed on the basis of existing expenditure on the reserved services and to fix a percentage beyond which the Governor-in-Council should not be permitted to appropriate, by way of additional expenditure, in the financial year on the permanent services and on recurring expenditure. Under the present procedure the powers of the Finance Committee to propose recurring expenditure in the financial year are circumscribed by rules and some arrangement of the kind is necessary in the case of the departments which are to have priority for supplies.

THE POWER OF DISSOLUTION

18. Finally, I must refer to the power of dissolution. If the Governor is dissatisfied with the Ministers or with the Legislative Council it will be open to him under the proposals made in the report to dissolve the Legislative Council.

The Governor will not be a constitutional Governor who will be bound by the advice of the Ministers. The power to dissolve a Legislature is used elsewhere on the advice of the Ministers for ascertaining the popular will on any question that may be pending before the country. It can also be used as a kind of penal measure if "the Ministerialists are too undisciplined and the opposition too obstructive." The vesting of this power of dissolution will be intelligible if the Government as a whole is a Responsible Government and there is a deadlock between the and the Legislature. It is rather strange that Government because a few departments are proposed to be transferred to the control of the Legislature this plenary power of dissolution should be conferred upon the Government.